BOMBAY HIGH COURT LETTERS PATENTS (AMENDMENT) ACT, 1948.

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BOMBAY ACT No. XLI OF 1948.[1]

[THE BOMBAY HIGH COURT LETTERS PATENTS (AMENDMENT) ACT, 1948.]

[*4th May 1948.*]

An Act to amend the Letters Patent establishing the Supreme Court of Judicature at Bombay, bearing date the eighth day of December, One thousand Eight hundred and Twenty-three and to amend the Letters Patent of the High Court of Judicature for the Presidency of Bombay, bearing date the twenty-eighth day of December, One thousand Eight hundred and Sixty-five.

WHEREAS it is expedient to amend the Letters Patent establishing the Supreme Court of Judicature at Bombay, bearing date the eighth day of December, One thousand Eight hundred and Twenty-three and to amend the Letters Patent of the High Court of Judicature for the Presidency of Bombay, bearing date the twenty-eighth day of December, One thousand Eight hundred and Sixty-five, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay High Court Letters Patents (Amendment) Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Amendment of Letters Patent of 8th December 1823.

2. In the Letters Patent establishing the Supreme Court of Judicature at Bombay, bearing date the eighth day of December, One thousand Eight hundred and Twenty-three—

(*1*) in paragraph 21—

(*a*) after the words "Judicature at Bombay" where they occur for the first time, the words " and of the Bombay City Civil Court " shall be inserted;

(*b*) after the words " Judicature at Bombay " where they occur for the second time, the words " or to the said Bombay City Civil Court, as the case may be, " shall be inserted ;

(*c*) after the word " respectively " the words " or by the Bombay City Civil Court or by any Judge of the said Court " shall be inserted ;

(*2*) in paragraph 22—

(*a*) after the words " Judicature at Bombay " where they occur for the first time, the words " or the Bombay City Civil Court " shall be inserted;

(*b*) after the words " Judicature at Bombay " where they occur for the second time, the words " or the said Bombay City Civil Court, as the case may be, " shall be inserted ;

(*c*) for the word " Court " where it occurs at the end, the word " Courts " shall be substituted ;

(*3*) in paragraph 23—

(*a*) after the words " said Court " where they occur for the first time, the words " or of the said Bombay City Civil Court " shall be inserted ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 220.

(*b*) for the words " said Court " where they occur for the second time, the words " said Supreme Court of Judicature at Bombay " shall be substituted ;

(*4*) to paragraph 43, the following shall be added, namely :—

" The foregoing provisions as respects the Sheriff and his duties shall, so far as may be, apply to the Court of Session for Greater Bombay."

Amendment of Letters Patent of 28th December 1865.

3. (*1*) In the Letters Patent of the High Court of Judicature for the Presidency of Bombay, bearing date the twenty-eighth day of December, One thousand Eight hundred and Sixty-five—

(*1*) in clause 12, for the words " in which the debt, or damage, or value of property sued for does not exceed one hundred rupees " the words " or the Bombay City Civil Court " shall be substituted ;

(*2*) in clause 22—

(*a*) the words " within the local limits of its ordinary original civil jurisdiction, and also " shall be deleted ;

(*b*) for the words " such limits " the words " the local limits of its ordinary original civil jurisdiction " shall be substituted.

(*2*) For the avoidance of doubt, it is hereby declared that the amendments made by clause (2) of sub-section (*1*) shall not be deemed to affect any of the powers of the High Court under the provisions, for the time being in force, of the Code of Criminal Procedure, 1898. V of 1898.